



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: CWA - 177628

PRELIMINARY RECITALS

Pursuant to a petition filed on October 28, 2016, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support (BLTS) regarding Medical Assistance (MA)/IRIS program assistance, a hearing was held on November 29, 2016, by telephone. The hearing record was held open for thirty days to allow the BLTS an opportunity to resubmit an amended budget for approval by the Department. The Department subsequently approved the amended budget request.

The issue for determination is whether the Department properly denied petitioner's IRIS budget amendment request for home delivered meals.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Bureau of Long-Term Support
PO Box 7851
Madison, WI 53707-7851

ADMINISTRATIVE LAW JUDGE:

Kristin P. Fredrick
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County. Petitioner has multiple complex medical issues, including Ehlers-Danlos Syndrome, and requires someone to prepare specialized meals for her. She is a participant in the IRIS program.
2. On September 1, 2016, an IRIS Budget Amendment Request was submitted on behalf of the petitioner seeking the following supports/services/goods to be funded by IRIS: Home delivered meals (17 meals per month), customized goods and services, specialized medical supplies, personal emergency response system, supportive home care-routine (16.5 hours per month), supportive home care – chores (4 hours per month), specialized medical supplies – immunocal, adaptive aids supplies – service dog, specialized medical and adaptive aids supplies – service dog.
3. On October 13, 2016, the Department approved the budget requests minus the home delivered meals indicating that that the request is not considered the most cost effective way to support her outcome and that she does not need this service to support her outcome as the budget request allocates an additional 70.66 hours of supportive home care to her existing 4 hours, which the Department opined was sufficient to allow the worker to prepare additional meals.
4. The petitioner appealed the denial of home delivered meals, which she had previously received in the last budget request, and also identified errors in the reimbursement rates listed by the agency in the request. In addition to the reinstatement of home delivered meals, the petitioner sought three additional hours per week of supportive home care.
5. Following the hearing on November 29, 2016, the BLTS submitted an amended budget request seeking the home delivered meals and additional supportive home care time requested by the petitioner at the correct rate.
6. On December 1, 2016, the Department approved the amended budget request for delivered meals and supportive home care time

DISCUSSION

Subsequent to the hearing in this matter, the BLTS submitted an amended budget request to the Department, which was approved on December 1, 2016. Accordingly, no issue remains for determination by the Division of Hearings and Appeals.

CONCLUSIONS OF LAW

This matter has been resolved by the Department's approval of an amended budget request leaving no issue for determination by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN

INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

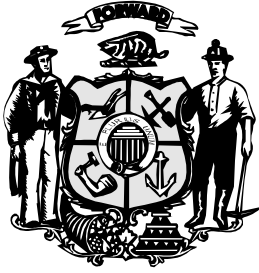
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 3rd day of January, 2017

\s _____
Kristin P. Fredrick
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 3, 2017.

Bureau of Long-Term Support